

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MA & UD Dept. – Mahabubnagar Municipality – Sri P. Vajrakumar Reddy, Health Assistant (Contract basis) – Orders passed by the Hon’ble APAT to send proposals to the District Audit Officer, Mahabubnagar Dist for payment of salary through Treasury under 010 – Salaries Head of Account on par with other employees – Orders of Hon’ble Supreme Court of India in Special Leave to Appeal (Civil) C.C. 7756/2012 – Permission to pay arrears to the individual - Accorded – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G2) DEPARTMENT

G.O. Rt. No. 959

Dated:15.06.2013

Read the following:-

1. Interim orders, Dt:26.12.2008 in O.A No.10887/2008 filed by Sri P.Vajrakumar Reddy, Health Assistant (Contract basis), Mahabubnagar Municipality.
2. Proceedings Roc.No.C1/4750/2008 – 09, Dt:10.05.2010/Chair Person, Mahabubnagar Municipal Council, Mahabubnagar Municipality.
3. Orders of Hon’ble APAT, Dt:25.04.2011 in O.A.No.10887/2008 with MA 486/2011 with C.A.No.556/2009
4. Orders of Hon’ble High Court of A.P, Dt:21.07.2011 in W.P.No.20329/2011, filed by the Municipal Commissioner, Mahabubnagar Municipality.
5. Proceedings Roc.No.1287/2012/M3, Dt:20.01.2012 of Commissioner & Director of Municipal Administration, A.P., Hyderabad.
6. Orders of Hon’ble Supreme Court of India in SLP (Civil) C.C.No.7756/2012, Dt:02.01.2013.
7. From the Commissioner & Director of Municipal Administration, A.P., Hyderabad LR.Roc.No.1287/2012 – M3, Dt:20.03.2013.

ORDER:-

The Commissioner & Director of Municipal Administration, A.P., Hyderabad in his letter 7th read above, has stated that the Hon’ble APAT, in their orders, first read above have issued the following interim orders:

“The respondents are directed to pay the basic pay as per para -2 of G.O.Rt.No.217 M&FW J2 Dept, dt:26.02.2001 and as per para-4 of G.O.Ms.No.10 H, M&FW (J2) Dept, dt:08.01.2008, pending further consideration of the O.A”

2. The Chair Person, Mahabubnagar Municipal Council, Mahabubnagar Municipality in his proceedings second read above has passed orders regularizing the services of the applicant w.e.f 01.06.2009 in terms of C.R.No.30, dt:30.05.2009 as Health Assistant in the existing vacancy with all benefits, without approval/permission from Higher Authorities/Government.

3. The Hon’ble APAT, in their orders 3rd read above have passed the following order:

“In these circumstances, 1st (the Chairperson, Mpl.Cl. Mahabubnagar) and 2nd (the M.C., Mahabubnagar) respondents are directed to send proposals to the District Audit Officer for payment of salaries through Treasuries as per G.O.Ms.No.179, dt:25.02.2009 and also issued G.O.Ms.No.405,dt:23.06.2009 on par with the other employees and also for payment of arrears. This exercise shall be completed within a period of 4 weeks from the date of receipt of copy of this order. The O.A., is accordingly allowed. MA and CA stand closed.”

4. The Hon’ble High Court of A.P, in their orders 4th read above, have issued the following order:

“In the circumstances of the case, we do not find any infirmity in the order dt:25.04.2011 passed by the Tribunal in O.A.No.10887/2008.”

The Writ Petition fails and is, accordingly, dismissed. No costs”.

(P.T.O)

5. The Commissioner & Director of Municipal Administration, A.P., Hyderabad, in his proceedings 5th read above, has accorded permission to the Municipal Commissioner, Mahabubnagar Municipality to file SLP against the orders passed by the Hon'ble High Court of A.P above in the Hon'ble Supreme Court of India, since contract employees are not eligible for payment of salaries through Treasury under 010 Head of Account.

6. Accordingly, the Municipal Commissioner, Mahabubnagar Municipality, has filed an SLP (Civil) C.C.No.7756/2012 in Hon'ble Supreme Court of India, against the orders dt:21.07.2011 of Hon'ble High Court of A.P in W.P.No.20329/2011.

7. The Hon'ble Supreme Court of India upon hearing the case on record, vide their orders 6th read above have dismissed the Special Leave Petition on the ground of unexplained delay of 155 days and also merits, issued the following order:

“ The Petitioners are directed to pay the amount of salary to respondent within (3) months and submit a report in the registry of the High Court. Thereafter Registrar (Judicial) shall place the matter before the concerned bench. If the bench finds that the petitioner have not complied with the order, then it shall, initiate proceedings against the defaulting officers under the Contempt of Courts Act – 1971 ”.

8. In the circumstances explained above, permission is hereby accorded to the Commissioner & Director of Municipal Administration, A.P., Hyderabad to authorize the Municipal Commissioner, Mahabubnagar Municipality to send proposals to the District Audit Officer, Mahabubnagar District for payment of arrears to Sri P.Vajrakumar Reddy, Health Assistant through Treasury under 010 Head of Account on par with the other employees of the Municipality in pursuance of the orders passed by the Hon'ble APAT first and third read above, as confirmed by Hon'ble High Court vide their orders 4th read above, and as per the directions of Hon'ble Supreme Court of India in their orders 6th read above.

9. This order issues with the concurrence of Finance (SMPC-II) Dept vide their U.O. No.4265/172/A2/SMPC-II/13, Dated:28.05.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADHAR SINHA
PRINCIPAL SECRETARY TO GOVERNMENT (MA)

To
The Commissioner & Director of Municipal Administration,
A.P., Hyderabad

Copy to :-

The Registrar, Hon'ble A.P High Court, Hyderabad
The Govt Pleader for Services (MA), A.P., High Court, Hyderabad.
The Govt Pleader for MA & UD, A.P., High Court, Hyderabad.
The Govt Pleader for Services (MA), A.P., Administrative Tribunal,
Hyderabad
The Municipal Commissioner, Mahabubnagar Municipality,
Mahabubnagar District.
The RDMA, Hyderabad.
The Director of Local Fund & Audit, A.P., Hyderabad
The Director of Treasuries and Audit, A.P., Hyderabad,
The District Treasury Officer, Mahabubnagar District,
The District Audit Officer, Mahabubnagar, Mahabubnagar District
The Sub- Treasury Officer, Mahabubnagar, Mahabubnagar District.
The Finance (PC-III) Dept
The P.S. to Principal Secretary to Government (MA)
Sc/Sf.

// FORWARDED : BY : ORDER //

SECTION OFFICER